

July 17, 2019

**VIA EMAIL AND ELECTRONIC FILING**

Hon. Katherine Polk Failla  
United States District Judge  
Thurgood Marshall US Courthouse  
40 Foley Square  
New York, NY 10007

Re: Barnet et al v. Ministry of Culture and Sports of  
the Hellenic Republic, 18-cv-04963 (KPF)

Dear Judge Failla:

This letter serves to inform the Court that yesterday Defendant filed a Notice of Appeal regarding the *Opinion and Order* issued in the instant case on June 21, 2019 (DN 29). The *Opinion and Order* is appealable under the collateral order doctrine. *See Blue Ridge* at 81; *USAA Insurance Co. v. Permanent Mission of Republic of Namibia*, 681 F.3d 103, 107 (2d. Cir. 2012); *Kensington Int'l Ltd. V. Itoua*, 505 F.3d 147, 153 (2d. Cir. 2007). Consistent with the joint letter submitted by Plaintiffs' counsel on July 8, 2019, Defendant now requests a stay of this litigation pending the outcome of the appeal, with Plaintiff's assent.

As the appeal stems from a potentially dispositive jurisdictional issue arising under the Foreign Sovereign Immunities Act, a stay is appropriate. "[S]overeign immunity is an immunity from trial and the attendant burdens of litigation and not just a defense to liability on the merits." *Peterson v. Islamic Republic of Iran*, 627 F.3d 1117, 1127 (9th Cir. 2010) (quoting *Foremost-McKesson, Inc. v. Islamic Republic of Iran*, 905 F.2d 438, 443 (D.C. Cir. 1990)).

The parties have agreed that this litigation should be stayed while Defendant's appeal is pending, with the agreement that the briefing schedule in the Second Circuit will be expedited. Defendant therefore respectfully requests that the Court suspend the case management plan and stay the present action until the Second Circuit issues a ruling on the appeal.

Respectfully submitted,

*Leila Amineddoleh*

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